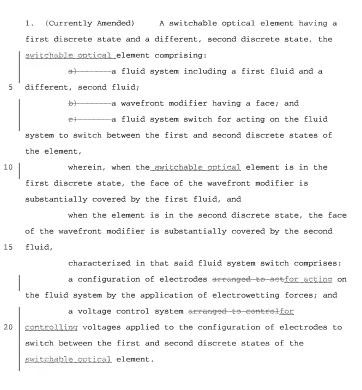
## IN THE CLAIMS

Please amend the claims as follows:



- (Currently Amended) A—The switchable optical element according to as claimed in claim 1, wherein the first fluid is electrically conductive and the second fluid is electrically insulative.
- 3. (Currently Amended) A—The switchable optical element according to as claimed in claim 2, wherein the first fluid and the second fluid are both liquids.
- 4. (Currently Amended) A The switchable optical element according to as claimed in claim 1, wherein the configuration of electrodes includes a first electrode having an operative area, and wherein the face of the wavefront modifier and the operative area of the first electrode are arranged in a substantially overlapping arrangement.
  - 5. (Currently Amended) A—The switchable optical element according to as claimed in claim 1, wherein the configuration of electrodes includes a first electrode, a second electrode, and a common, third electrode,
- the voltage control system being arranged to applyapplying voltages differently to the first and second electrodes in at least one of the first and the second discrete states of the switchable optical element.

- 6. (Currently Amended) A—The switchable optical element according to as claimed in claim 1, comprising wherein the switchable optical element further comprises:
- a chamber in which the face of the wavefront modifier is [5] located\_\_\_i\_and
  - a conduit, the conduit having two ends, each end being fluidly connected to the chamber at a separate location,
- wherein the <u>switchable optical</u> element is arranged such that, during a transition between the first and second discrete

  states of the element, circulatory fluid flow occurs so that fluid passes from the chamber into the conduit via one of the said two ends and fluid passes from the conduit into the chamber via the other of the said two ends.
  - 7. (Currently Amended) A—The switchable optical element according to as claimed in claim 1, wherein the face of the wavefront modifier comprises one or more protrusions, the protrusions being arranged to provide providing a predetermined wavefront modification on a given radiation beam of predetermined wavelength when the switchable optical element is in one of said first and second discrete states.
    - 8. (Currently Amended) A—The switchable optical element according to as claimed in claim 7, wherein the protrusions are arranged concentrically about an optical axis.

- 9. (Currently Amended) A—The switchable optical element according to as claimed in claim 7, wherein the protrusions are linear and arranged parallel each other.
- 10. (Currently Amended) A-The switchable optical element according to a claimed in claim 7, wherein the protrusions form a diffraction grating.
- 11. (Currently Amended) A—The switchable optical element according to as claimed in claim 7, wherein the protrusions form a non-periodic stepped profile in a direction transverse to said face.
- 12. (Currently Amended) A The switchable optical element according to as claimed in claim 1, comprising wherein said switchable optical element further comprises:
- a second wavefront modifier face, the <u>switchable optical</u>

  element having third and fourth discrete states associated with the

  second face—<u>;</u> and
  - a second fluid system including a third fluid and a different, fourth fluid,
- wherein, when the <u>switchable optical</u> element is in the third discrete state, the second face is substantially covered by the third fluid, and

when the <u>switchable optical</u> element is in the fourth discrete state, the second face is substantially covered by the fourth fluid.

15 and wherein the voltage control system is arranged to
controls voltages applied to the configuration of electrodes
to switch between the third and fourth discrete states of the
switchable optical element.

- 13. (Currently Amended) The switchable optical element according to as claimed in claim 1, wherein the wavefront modifier comprises a birefringent material.
- 14. (Currently Amended) A—The switchable optical element according to as claimed in claim 1, wherein the first and/or second fluid comprises a liquid crystal material.
- 15. (Currently Amended) An optical scanning device for scanning an information layer, the device comprising a—the switchable optical element according to claim 1, said optical scanning device comprising:
- a radiation source system for emitting a first radiation beam of a first predetermined wavelength and a second radiation beam of a second predetermined wavelength; and

radiation beams on respective information layers,

wherein a first predetermined wavefront modification is provided on the first radiation beam when the <u>switchable optical</u> element is in the first discrete state, and

a second predetermined wavefront modification—element is provided on the second radiation beam when the <u>switchable optical</u> element is in the second discrete state.

- 16. (Currently Amended) An—The optical scanning device according to as claimed in claim 15, wherein the first predetermined wavefront modification at least approximates\_a spherical aberration and/or defocus.
- 17. (Currently Amended) An—The optical scanning device according to as claimed in claim 15, wherein the second predetermined wavefront modification is at least approximately flat.
- 18. (Currently Amended) An—The optical scanning device according to as claimed in claim 15, wherein the radiation source system is adapted to emitemits a third radiation beam of a third predetermined wavelength,
- and wherein a third predetermined wavefront modification is provided on the third radiation beam when the <u>switchable optical</u> element is in the second state.

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19. (Currently Amended)

An—The optical scanning device

according to as claimed in claim 18, wherein the third predetermined wavefront modification is either at least approximately flat, or at least approximates a spherical aberration and/or defocus.